

SB 5100 - H COMM AMD
By Committee on Transportation

ADOPTED 4/8/2015

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.20.270 and 2013 2nd sp.s. c 35 s 17 are each
4 amended to read as follows:

5 (1) Every court having jurisdiction over offenses committed under
6 this chapter, or any other act of this state or municipal ordinance
7 adopted by a local authority regulating the operation of motor
8 vehicles on highways, or any federal authority having jurisdiction
9 over offenses substantially the same as those set forth in this title
10 which occur on federal installations within this state, shall
11 immediately forward to the department a forfeiture of bail or
12 collateral deposited to secure the defendant's appearance in court, a
13 payment of a fine, penalty, or court cost, a plea of guilty or nolo
14 contendere or a finding of guilt, or a finding that any person has
15 committed a traffic infraction an abstract of the court record in the
16 form prescribed by rule of the supreme court, showing the conviction
17 of any person or the finding that any person has committed a traffic
18 infraction in said court for a violation of any said laws other than
19 regulations governing standing, stopping, parking, and pedestrian
20 offenses.

21 (2) Every state agency or municipality having jurisdiction over
22 offenses committed under this chapter, or under any other act of this
23 state or municipal ordinance adopted by a state or local authority
24 regulating the operation of motor vehicles on highways, may forward
25 to the department within ten days of failure to respond, failure to
26 pay a penalty, failure to appear at a hearing to contest the
27 determination that a violation of any statute, ordinance, or
28 regulation relating to standing, stopping, parking, or civil
29 penalties issued under RCW 46.63.160 has been committed, or failure
30 to appear at a hearing to explain mitigating circumstances, an
31 abstract of the citation record in the form prescribed by rule of the
32 department, showing the finding by such municipality that two or more
33 violations of laws governing standing, stopping, and parking or one

1 or more civil penalties issued under RCW 46.63.160 have been
2 committed and indicating the nature of the defendant's failure to
3 act. Such violations or infractions may not have occurred while the
4 vehicle is stolen from the registered owner (~~or is leased or rented~~
5 ~~under a bona fide commercial vehicle lease or rental agreement~~
6 ~~between a lessor engaged in the business of leasing vehicles and a~~
7 ~~lessee who is not the vehicle's registered owner)). The department
8 may enter into agreements of reciprocity with the duly authorized
9 representatives of the states for reporting to each other violations
10 of laws governing standing, stopping, and parking.~~

11 (3) For the purposes of this title and except as defined in RCW
12 46.25.010, "conviction" means a final conviction in a state or
13 municipal court or by any federal authority having jurisdiction over
14 offenses substantially the same as those set forth in this title
15 which occur on federal installations in this state, an unvacated
16 forfeiture of bail or collateral deposited to secure a defendant's
17 appearance in court, the payment of a fine or court cost, a plea of
18 guilty or nolo contendere, or a finding of guilt on a traffic law
19 violation charge, regardless of whether the imposition of sentence or
20 sanctions are deferred or the penalty is suspended, but not including
21 entry into a deferred prosecution agreement under chapter 10.05 RCW.

22 (4) Perfection of a notice of appeal shall stay the execution of
23 the sentence pertaining to the withholding of the driving privilege.

24 (5) For the purposes of this title, "finding that a traffic
25 infraction has been committed" means a failure to respond to a notice
26 of infraction or a determination made by a court pursuant to this
27 chapter. Payment of a monetary penalty made pursuant to RCW
28 46.63.070(2) is deemed equivalent to such a finding.

29 **Sec. 2.** RCW 46.63.073 and 2007 c 372 s 1 are each amended to
30 read as follows:

31 (1) In the event a traffic infraction is based on a vehicle's
32 identification, and the registered owner of the vehicle is a rental
33 car business, the law enforcement agency shall, before a notice of
34 infraction may be issued, provide a written notice to the rental car
35 business that a notice of infraction may be issued to the rental car
36 business if the rental car business does not, within thirty days of
37 receiving the written notice, provide to the issuing agency by return
38 mail:

1 (a) A statement under oath stating the name and known mailing
2 address of the individual driving or renting the vehicle when the
3 infraction occurred; or

4 (b) A statement under oath that the business is unable to
5 determine who was driving or renting the vehicle at the time the
6 infraction occurred because the vehicle was stolen at the time of the
7 infraction. A statement provided under this subsection must be
8 accompanied by a copy of a filed police report regarding the vehicle
9 theft.

10 Timely mailing of this statement to the issuing law enforcement
11 agency relieves a rental car business of any liability under this
12 chapter for the notice of infraction. In lieu of identifying the
13 vehicle operator, the rental car business may pay the applicable
14 penalty. If appropriate under the circumstances, a renter identified
15 under (a) of this subsection is responsible for an infraction. For
16 the purpose of this subsection, a "traffic infraction based on a
17 vehicle's identification" includes, but is not limited to, parking
18 infractions, high occupancy toll lane violations, and violations
19 recorded by automated traffic safety cameras.

20 (2) In the event a parking infraction is issued by a private
21 parking facility and is based on a vehicle's identification, and the
22 registered owner of the vehicle is a rental car business, the parking
23 facility shall, before a notice of infraction may be issued, provide
24 a written notice to the rental car business that a notice of
25 infraction may be issued to the rental car business if the rental car
26 business does not, within thirty days of receiving the written
27 notice, provide to the parking facility by return mail:

28 (a) A statement under oath stating the name and known mailing
29 address of the individual driving or renting the vehicle when the
30 infraction occurred; or

31 (b) A statement under oath that the business is unable to
32 determine who was driving or renting the vehicle at the time the
33 infraction occurred because the vehicle was stolen at the time of the
34 infraction. A statement provided under this subsection must be
35 accompanied by a copy of a filed police report regarding the vehicle
36 theft.

37 Timely mailing of this statement to the parking facility relieves
38 a rental car business of any liability under this chapter for the
39 notice of infraction. In lieu of identifying the vehicle operator,
40 the rental car business may pay the applicable penalty. For the

1 purpose of this subsection, a "parking infraction based on a
2 vehicle's identification" is limited to parking infractions occurring
3 on a private parking facility's premises."

4 Correct the title.

EFFECT: Restores language clarifying the types of infractions for which, when issued to a rental car, the rental car company may be relieved of liability.

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